

VZCZCXRO1353
OO RUEHROV RUEHTRO
DE RUEHKH #1160/01 2880919
ZNY CCCCC ZZH
O 150919Z OCT 09 ZDK
FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4567
INFO RUCNIAD/IGAD COLLECTIVE PRIORITY
RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY
RHMFISS/CJTF HOA PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001160

SIPDIS

NSC FOR MGAVIN, LETIM
DEPT FOR AF AND S/USSES
DEPT PLS PASS USAID FOR AFR/SUDAN
ADDIS ABABA ALSO FOR USAU

E.O. 12958: DECL: 10/15/2011
TAGS: [PGOV](#) [KDEM](#) [KPKO](#) [SOCI](#) [SU](#)
SUBJECT: OUTSTANDING REFERENDUM LAW AND ELECTION ISSUES
NEAR RESOLUTION

11. (SBU) SUMMARY: On October 14, Government of Southern Sudan (GoSS) Vice President, Riek Machar told Charg Whitehead that a deal on outstanding Comprehensive Peace Agreement (CPA) issues is near. Machar and Taha met on October 13 and 14 to resolve the outstanding issues including acceptance of the census and disagreement about referendum issues. Machar and Taha reached agreement on census acceptance, election issues, the referendum law, and Abyei Referendum Commission composition. Machar and Taha both seemed confident a deal will be reached soon and are determined to find a solution to the outstanding issues. We caution that earlier reports of deals between Machar and Taha have not panned out. End Summary.

OUTSTANDING ELECTION ISSUES AGREED

12. (SBU) According to Machar, on October 12 Government of Sudan (GoS) Vice President Ali Osman Taha gave Machar a written proposal on resolving outstanding census, elections, and referendum issues. The proposal outlined a political agreement that the Sudanese Peoples Liberation Movement (SPLM) would receive 96 seats in the National Assembly, down from the 127 seats currently stipulated by the Comprehensive Peace Agreement. To accommodate SPLM concerns about unilateral NCP amendment of the constitution that might forestall the 2011 referendum in the South, the SPLM would agree to raise the bar for constitutional amendments from the 75 percent stipulated by the CPA to 80 percent. This change in percentages would prevent the National Congress Party (NCP) from unilaterally amending either the CPA or the interim constitution. Machar said the NCP was also prepared to guarantee that the SPLM retain its current quota of 30 percent of positions in the Executive throughout the interim period. These NCP political concessions would allow SPLM acceptance of the census and allow the election process to move forward.

OUTSTANDING REFERENDUM LAW AGREED

13. (SBU) Machar said that remaining unresolved issues on the referendum law were the turnout quorum and inclusion of some post referendum issues in the referendum law. Machar said that Taha agreed to accept a two-thirds quorum of participating registered voters in order to validate a referendum decision for Southern secession. This critical mass of voters could carry the decision for secession by simple majority. Machar said that he had accepted a provision on post referendum citizenship in the law that would cause Southern Sudanese to forfeit their right to automatic

citizenship in the North should the South choose separation.

ABYEI REFERENDUM COMMISSION COMPOSITION AGREED

¶4. (SBU) Machar said that he and Taha had also reached agreement on the composition of the Abyei Referendum Commission. The committee would be comprised of two members each from the NCP and SPLM and one "honest broker" to break ties and facilitate consensus. According to Machar, Taha would only accept a Sudanese "honest broker". Machar and Taha had both submitted proposed commission members from their sides for mutual agreement by the Presidency, although it is still unclear who the "honest broker" might be.

NEXT STEPS

¶5. (SBU) Machar said that the written Taha proposal lacked details that were later agreed in the meeting. Specifically, Machar wanted specific percentages for SPLM representation in the National Assembly and for referendum turnout requirements included in the text. Machar said he had reviewed the points agreed in the draft, passed it back to Taha, and awaited Taha's agreement on the draft. Machar insinuated that Taha was likely seeking approval from President Omar al-Bashir before responding. Machar will then return to Juba on October 15 to presumably present the agreement to Kiir and the SPLM. According to Machar, future discussions with Taha will focus on the popular consultation Law, Abyei referendum

* Missing Section 002 *
